

~~[(3)]~~ bears a cancellation mark of a recognized postal service or a receipt mark of a common or contract carrier or a courier indicating a time before the deadline.

(f) ~~The [If the] envelope must [does not] bear the cancellation mark or receipt mark as required by Subsection (e)(2) [(e)(3), a delivery under Subsection (d)(1) is presumed] to be timely [if the other requirements] under this section [are met]. [Section 1.006 does not apply to Subsection (d)(3).]~~

SECTION 2. Section 87.125(a-1), Election Code, is amended to read as follows:

(a-1) Notwithstanding Subsection (a), for an election held on the date of the general election for state and county officers, the early voting ballot board shall convene to count ballots voted by mail described by Sections ~~[Section]~~ 86.007(d) and (d-1) not later than the 13th day after the date of the election.

SECTION 3. This Act takes effect September 1, 2017.

Passed by the House on May 12, 2017: Yeas 143, Nays 0, 1 present, not voting; passed by the Senate on May 23, 2017: Yeas 31, Nays 0.

Approved June 15, 2017.

Effective September 1, 2017.

**REQUIRED REPEAL OF A STATE AGENCY RULE AND A
GOVERNMENT GROWTH IMPACT STATEMENT BEFORE
ADOPTION OF A NEW STATE AGENCY RULE**

CHAPTER 819

H.B. No. 1290

AN ACT

relating to the required repeal of a state agency rule and a government growth impact statement before adoption of a new state agency rule.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter A, Chapter 2001, Government Code, is amended by adding Section 2001.0045 to read as follows:

Sec. 2001.0045. REQUIREMENT FOR RULE INCREASING COSTS TO REGULATED PERSONS. (a) In this section, "state agency" means a department, board, commission, committee, council, agency, office, or other entity in the executive, legislative, or judicial branch of state government. This term does not include an agency under the authority of an elected officer of this state.

(b) A state agency rule proposal that contains more than one rule in a single rulemaking action is considered one rule for purposes of this section. Except as provided by Subsection (c), a state agency may not adopt a proposed rule for which the fiscal note for the notice required by Section 2001.024 states that the rule imposes a cost on regulated persons, including another state agency, a special district, or a local government, unless on or before the effective date of the proposed rule the state agency:

(1) repeals a rule that imposes a total cost on regulated persons that is equal to or greater than the total cost imposed on regulated persons by the proposed rule; or

(2) amends a rule to decrease the total cost imposed on regulated persons by an amount that is equal to or greater than the cost imposed on the persons by the proposed rule.

(c) This section does not apply to a rule that:

(1) relates to state agency procurement;

(2) is amended to:

(A) reduce the burden or responsibilities imposed on regulated persons by the rule;

or

- (B) decrease the persons' cost for compliance with the rule;
- (3) is adopted in response to a natural disaster;
- (4) is necessary to receive a source of federal funds or to comply with federal law;
- (5) is necessary to protect water resources of this state as authorized by the Water Code;
- (6) is necessary to protect the health, safety, and welfare of the residents of this state;
- (7) is adopted by the Department of Family and Protective Services, Department of Motor Vehicles, Public Utility Commission, Texas Commission on Environmental Quality, or Texas Racing Commission;
- (8) is adopted by a self-directed semi-independent agency; or
- (9) is necessary to implement legislation, unless the legislature specifically states this section applies to the rule.
- (d) Each state agency that adopts a rule subject to this section shall comply with the requirements imposed by Subchapter B and Chapter 2002 for publication in the Texas Register.

SECTION 2. Subchapter B, Chapter 2001, Government Code, is amended by adding Section 2001.0221 to read as follows:

Sec. 2001.0221. GOVERNMENT GROWTH IMPACT STATEMENTS. (a) A state agency shall prepare a government growth impact statement for a proposed rule.

(b) A state agency shall reasonably describe in the government growth impact statement whether, during the first five years that the rule would be in effect:

- (1) the proposed rule creates or eliminates a government program;*
- (2) implementation of the proposed rule requires the creation of new employee positions or the elimination of existing employee positions;*
- (3) implementation of the proposed rule requires an increase or decrease in future legislative appropriations to the agency;*
- (4) the proposed rule requires an increase or decrease in fees paid to the agency;*
- (5) the proposed rule creates a new regulation;*
- (6) the proposed rule expands, limits, or repeals an existing regulation;*
- (7) the proposed rule increases or decreases the number of individuals subject to the rule's applicability; and*
- (8) the proposed rule positively or adversely affects this state's economy.*

(c) The comptroller shall adopt rules to implement this section. The rules must require that the government growth impact statement be in plain language. The comptroller may prescribe a chart that a state agency may use to disclose the items required under Subsection (b).

(d) Each state agency shall incorporate the impact statement into the notice required by Section 2001.024.

(e) Failure to comply with this section does not impair the legal effect of a rule adopted under this chapter.

SECTION 3. Section 2001.0045, Government Code, as added by this Act, applies only to a rule proposed by a state agency on or after the effective date of this Act. A rule proposed before that date is governed by the law in effect on the date the rule was proposed, and the former law is continued in effect for that purpose.

SECTION 4. Not later than October 1, 2017, the comptroller shall adopt rules required under Section 2001.0221(c), Government Code, as added by this Act.

SECTION 5. Section 2001.0221, Government Code, as added by this Act, applies only to a proposed rule for which the notice required under Section 2001.023(b), Government Code, is filed on or after November 1, 2017.

SECTION 6. This Act takes effect September 1, 2017.

Passed by the House on May 6, 2017: Yeas 114, Nays 28, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 1290 on May 25, 2017, and requested the appointment of a conference committee to consider the differences between the two houses; the House adopted the conference committee report on H.B. No. 1290 on May 28, 2017: Yeas 119, Nays 22, 2 present, not voting; passed by the Senate, with amendments, on May 23, 2017: Yeas 25, Nays 6; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; the Senate adopted the conference committee report on H.B. No. 1290 on May 28, 2017: Yeas 23, Nays 8.

Approved June 15, 2017.

Effective September 1, 2017.

**INFORMATION INCLUDED IN THE CURRICULUM OF EACH
DRIVER EDUCATION COURSE AND DRIVING SAFETY
COURSE**

CHAPTER 820

H.B. No. 1372

AN ACT

relating to information included in the curriculum of each driver education course and driving safety course.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter C, Chapter 1001, Education Code, is amended by adding Section 1001.1091 to read as follows:

Sec. 1001.1091. INFORMATION RELATING TO CHILD PASSENGER SAFETY SEAT SYSTEMS. The commission by rule shall require that information relating to the proper use of child passenger safety seat systems be included in the curriculum of each driver education and driving safety course.

SECTION 2. (a) Not later than March 1, 2018, the Texas Commission of Licensing and Regulation shall adopt the rules required by Section 1001.1091, Education Code, as added by this Act.

(b) Not later than September 1, 2018, each provider of a driver education course or driving safety course shall submit the curriculum adopted pursuant to Section 1001.1091, Education Code, as added by this Act, to the Texas Commission of Licensing and Regulation for approval.

SECTION 3. This Act takes effect September 1, 2017.

Passed by the House on May 12, 2017: Yeas 135, Nays 6, 1 present, not voting; the House concurred in Senate amendments to H.B. No. 1372 on May 26, 2017: Yeas 135, Nays 9, 1 present, not voting; passed by the Senate, with amendments, on May 24, 2017: Yeas 30, Nays 1.

Approved June 15, 2017.

Effective September 1, 2017.